

KAMER ZUCKER ABBOTT

Scott M. Abbott #4500  
Jen J. Sarafina #9679  
Kaitlin H. Ziegler #13625  
3000 West Charleston Boulevard, Suite 3  
Las Vegas, Nevada 89102-1990  
Tel: (702) 259-8640  
Fax: (702) 259-8646  
[sabbott@kzalaw.com](mailto:sabbott@kzalaw.com)  
[jsarafina@kzalaw.com](mailto:jsarafina@kzalaw.com)  
[kziegler@kzalaw.com](mailto:kziegler@kzalaw.com)

Attorneys for Defendant  
Wynn Las Vegas, LLC

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

KELI P. MAY, SHARON SOUSA, and  
THOMAS BODOVINAC, Individually and on  
behalf of others similarly situated,

Plaintiffs,

vs.

WYNN LAS VEGAS, LLC, and "JOHN DOES"  
CORPORATIONS" 1 to 50, name fictitious,  
actual name and number unknown,

Defendants.

Case No. 2:15-cv-02142-RFB-CWH

**STIPULATION AND REQUEST TO  
STAY PROCEEDINGS PENDING  
THE PARTIES' MEDIATION  
EFFORTS**

**(Fourth Request)**

The parties, by and through their respective counsel of record, stipulate and request that the Court stay all proceedings in this matter for ninety (90) days up to and including June 1, 2018, to allow the parties an opportunity to engage in mediation and determine whether an early resolution is possible. In support of this Stipulation and Request, the parties state as follows:

1. On January 18, 2018, counsel for Plaintiffs contacted counsel for Defendant Wynn Las Vegas, LLC ("Wynn") suggesting that the parties pursue mediation to minimize costs and conserve resources.

2. On February 1, 2018, Wynn responded to Plaintiffs' request and agreed to engage in mediation of Plaintiffs' claims. Since that time, the parties have had additional discussions regarding the mediation and the exchange of information to facilitate the mediation.

1  
2           3.       This is the fourth request to stay the proceedings. The first request to stay  
3 proceedings was filed on March 17, 2016 (Docket No. 24). At that point, two motions were  
4 pending with the Court: Plaintiffs' Motion for Circulation of Notice of the Pendency of this  
5 Action Pursuant to 28 U.S.C. 26(b) (ECF No. 9), and Wynn's Motion for Partial Summary  
6 Judgment (ECF No. 20). The Court granted the parties' first request to stay pending resolution  
7 of the motions on March 21, 2016 (ECF No. 26).

8           4.       The second request to stay the proceedings was filed October 27, 2016 (ECF No.  
9 61). At that point, Wynn filed its Motion to Certify Question of Law to the Nevada Supreme  
10 Court ("Motion to Certify"). (ECF No. 41). Extensions were granted by each party for the  
11 briefing of that Motion, and the parties recognized that the scope of discovery would be shaped  
12 and guided in part by the resolution of Wynn's Motion to Certify. Accordingly, the Court  
13 granted this second request to stay pending resolution of Wynn's Motion to Certify on October  
14 31, 2016 (ECF No. 65).

15           5.       The third request to stay the proceedings was filed on September 15, 2017 (ECF  
16 No. 105). On September 1, 2017, prior to the third request and stipulation, the Court entered a  
17 Minute Order denying as moot Wynn's Motion to Certify due to the then-pending decision by  
18 the Nevada Supreme Court on the issue raised by Wynn's Motion to Certify. Specifically, the  
19 Neville, Jr. v. District Court, No. 70696 case on the Nevada Supreme Court's docket indicated  
20 that this same issue was argued on July 17, 2017. Because the Court and the parties anticipated  
21 that the Nevada Supreme Court's decision in Neville would resolve the private right of action  
22 issue in this case, on October 31, 2017, the Court granted a stay pending resolution of the Neville  
23 case (ECF No. 106). The Neville case was decided by the Nevada Supreme Court on December  
24 7, 2017.

25           6.       This request to stay the proceedings is not sought for any improper purpose or  
26 other reason of delay. Rather, it is sought only conserve expenditures and resources of this  
27 litigation while the parties engage in mediation.

28     ///

1 WHEREFORE, the parties respectfully request that the Court stay proceedings in this  
2 case for ninety (90) days up to and including June 1, 2018, to allow the parties to engage in  
3 mediation efforts.

4 DATED this 26<sup>th</sup> day of February, 2018.

DATED this 26<sup>th</sup> day February, 2018.

5 Respectfully submitted,

Respectfully submitted,

6 /s/ Dana Sniegocki

/s/ Jen J. Sarafina

7 Christian Gabroy, Esq.  
8 GABROY LAW OFFICES  
9 170 S. Green Valley Parkway Suite 280  
10 Henderson, Nevada 89012  
Tel (702) 259-7777  
Fax (702) 259-7704  
Fax (702) 385-1827

Scott M. Abbott, Esq.  
Jen J. Sarafina, Esq.  
Kaitlin H. Ziegler, Esq.  
KAMER ZUCKER ABBOTT  
3000 West Charleston Boulevard, Suite 3  
Las Vegas, Nevada 89102  
Tel: (702) 259-8640  
Fax: (702) 259-8646

11 Leon Greenberg, Esq.  
12 Dana Sniegocki, Esq.  
13 LEON GREENBERG PROFESSIONAL  
14 CORPORATION  
2965 South Jones Boulevard, Suite E3  
Las Vegas, Nevada 89146

Attorneys for Defendant  
Wynn Las Vegas, LLC

15 Attorneys for Plaintiffs

16  
17  
18 **IT IS SO ORDERED.**

19 February 27, 2018

20 DATE

21   
UNITED STATES MAGISTRATE JUDGE